IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

And
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 18031 of 2004

Between:

M.V. Ranga Rao, S/o. Venkateswara Rao,
Primary Health Centre, Mogalthoor, West Godavari District.

..... PETITIONER

AND

1 The Regional Director Medical and Health Services, Rajamundry, East Godavari District.
2 The District Medical and Health Officer, Eluru, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Certiorari by calling for the records relating and connected with the O.A.No. 5221/2004 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad and quash the order in OA 5221/04 23-9-2004 wherein the Hon'ble Tribunal, did not inclined to suspend the operation of the proceedings of the 1st respondent dated 10-9-2004 and consequently suspend the operation of the proceedings in R.C. No. 699/R2-A/2004 dated 10-9-2004 issued by the 1st respondent the same is illegal, arbitrary and contrary to law.

Counsel for the Petitioner: MR.Y.V.SRINIVASAN

Counsel for the Respondent Nos. 1 & 2.: GP FOR SERVICES I

The Court, at the stage of admission, made the following:

ORAL ORDER: (Per: The Hon'ble Mr. Justice Goda Raghuram)

Aggrieved by the order of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') declining interim orders and issuing notice in O.A.No. 5221 of 2004 filed by the petitioner, the writ petition is filed.

O.A. was filed challenging the proceedings dated 10-09-2004 of the 1st respondent whereby the petitioner, a Senior Assistant in Primary Health Centre, Mogalthoor, West Godavari district, was transferred, on administrative grounds, to Primary Health Centre, Yedurumondi, Krishna district, in an existing vacancy, pending inquiry in the disciplinary proceedings.

The Tribunal recorded the *prima facie* conclusion that Courts and Tribunals do not normally interfere with the orders of transfer, unless demonstrably ultravires or vitiated by *mala fides*. No such case having been made out, no interference is called for, held the Tribunal. Despite the persuasion of the learned counsel for the petitioner, we are unable to discern any infirmity in the order of the Tribunal in exercise of its discretion. There are no merits in the writ petition. It is, accordingly, dismissed, at the stage of admission.

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J. CHELAMESWAR, J

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GODA RAGHURAM, J

Dt. 07-10-2004

Pvks/*

To

1. The Regional Director Medical and Health Services, Rajamundry, East Godavari District.

2. 2. The District Medical and Health Officer, Eluru, West Godavari District.

3. The Registrar, A.P. Administrative Tribunal, Hyderabad.

4. 2CCs to the learned Government Pleader for Services-I, A.P. High Court Buildings, Hyderabad (OUT).

5. 2CD copies

*Form-NIC-OGS/WP{**RLD**}*